

## REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Rejection of Claims 1-8 Under 35 USC §102(e) in view of U.S. Patent No. 6,552,713 (Van Brocklin)

This rejection is respectfully traversed on the grounds that the Van Brocklin patent fails to disclose or suggest “*a first convex lens located upon the housing such that an object may be placed on the first convex lens,*” much less the claimed combination of first and second convex lenses and a sensor.

Element 30 of Van Brocklin is not a “lens,” but rather is a “curved surface” (col. 4, line 31) with a uniform thickness. *Webster’s Ninth New Collegiate Dictionary*, Merriam-Webster, 1985, defines “lens” as “*1. a: a piece of transparent material (as glass) that has two opposite regular surfaces either both curved or one curved and the other plane and that is used either singly or combined in an optical instrument for forming an image by focusing rays of light.*” While it is possible to use a concave lens to diverge rather than focus light, the key characteristic of a “lens” is that it bends the light, which is only possible if the two opposite regular surfaces are not parallel and/or do not have the same curvature. Thus, element 30 of Van Brocklin is not a “lens.”

The purpose of the claimed convex lens is described in lines 22-26 on page 4 of the original specification, as follows: “*to the character of the first convex lens 131, the finger has to contact the lens 131 properly so as to present a clear image for the sensor 14. In other words, even if the finger is very close to the lens 131, the sensor 14 will not sense any vague image to generate a signal for the computer.*” In other words, by using a “convex lens,” as claimed,” the invention causes a signal to be generated only when the user’s finger is properly situated on the lens, so as to avoid unintentionally activating the sensor.

The curved surface 30 of Van Brocklin has no such effect, but rather is designed “*to allow for a similar feel as a trackball-pointing device* (col. 3, lines 3-6 of the Van Brocklin patent), and/or for “*comfort, feel, and response,*” as explained in col. 3, lines 15-21. In fact, col. 3, lines 15-21 of Van Brocklin explain that the curved surface of may even be in the form of an inflatable or silicon gel filled container, which would increase comfort but prevent any sort of lensing or focusing effect from being achieved.

Furthermore, it is noted that Van Brocklin clearly does not care whether the surface is concave or convex, since Van Brocklin discloses in col. 3, lines 5-7 point out that the surface may be concave rather than convex, with an additional wide-angle lens being used in that case to capture the image of the finger on the curved surface. The curved surface itself is not a lens, and Van Brocklin does not consider using it as a lens. Thus, while the curved surface 30 of Van Brocklin might be convex, as mentioned in col. 3, line 15 of Van Brocklin, it cannot reasonably be considered to be a “lens,” as claimed.

Instead of providing a simple optical system that ensures that light is focused on the sensor if and only if a finger is properly placed on the first *lens*, irrespective of ambient light (because light from the light source will only be sensed by the sensor if a finger is properly placed), Van Brocklin requires a special mechanism to detect and compensate for changes in ambient light conditions, such as an inertial detector or a notebook opening and closing detector., as explained in col. 3, lines 50-64 of the Van Brocklin patent. In addition, Van Brocklin teaches locking the cursor position to prevent drifting if the finger is detected as removed, also as explained in col. 3, lines 50-64. No such ambient light condition detection or drift prevention is necessary in the claimed invention, because of the use of two convex lenses as claimed focuses reflected light from the light source on the sensor *only* when a finger is properly placed, and thus spurious signals caused by ambient light or a passing object will not affect the sensor.

Because Van Brocklin fails to disclose or suggest the claimed “convex lens,” but rather teaches a curved surface that may be convex or concave, and that may even be inflatable, but

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does not have any lensing effect, it is respectfully submitted that the Van Brocklin patent does not anticipate the claimed invention, and withdrawal of the rejection of claims 1-8 under 35 USC §102(e) is respectfully requested.

2. Rejection of Claim 9 Under 35 USC §103(a) in view of U.S. Patent No. 6,552,713 (Van Brocklin)

This rejection is also respectfully traversed on the grounds that the Van Brocklin patent fails to disclose or suggest “*a first convex lens located upon the housing such that an object may be placed on the first convex lens,*” as claimed. Instead, Van Brocklin merely teaches a curved surface for supporting a finger, that may be any shape, and that has no lens properties. Whereas the claimed first and second lenses work together to focus light reflecting from a properly placed finger onto a sensor, Van Brocklin has to take additional measures in order to eliminate the effects of ambient light changes and other spurious signals, resulting in a more complicated and less effective cursor control arrangement, and the claimed invention is not suggested by the Van Brocklin patent, whether considered individually or in combination with any other reference of record.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

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